

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

PRISM TECHNOLOGIES, LLC,)	
)	
Plaintiff,)	8:12CV122
)	
v.)	
)	
AT&T MOBILITY, LLC,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on the defendant's motion (Filing No. [215](#)) to supplement its invalidity contentions for good cause. The defendant has filed a brief (Filing No. [216](#)) and index of evidence (Filing No. [217](#)) in support of its motion. The plaintiff has filed its brief (Filing No. [219](#)) and index of evidence (Filing No. [220](#)) in opposition of the motion. The motion will be denied.

This case involves patent infringement. The plaintiff, Prism Technologies, L.L.C. ("Prism") claims the defendant, AT&T Mobility, L.L.C. ("AT&T"), has infringed against its patents. The time has passed for AT&T to amend invalidity contentions without leave of the Court. AT&T must show "good cause" for supplementation. See Filing No. [68](#), 4-5.

Last month, in February, the Court granted AT&T leave to amend its invalidity contentions (Filing No. [189](#) and Filing No. [190](#)). As time passes, however, the prejudice which Prism

faces by AT&T's amendments becomes more severe. Specifically, fact discovery has closed, the deadline for invalidity contentions was five months ago, and Prism has less than two weeks to prepare its affirmative expert reports. The Court finds the time between AT&T's requested amendment and Prism's expert reports is too short to avoid prejudice. Accordingly,

IT IS ORDERED that AT&T's motion to supplement its invalidity contentions is denied.

DATED this 6th day of May, 2014.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court